

Alexandria Daily Advertiser.

Vol. VII.]

FRIDAY, MARCH 27, 1867.

[No. 1868.]

SALES AT VENDUE.

On every Tuesday and Friday,
WILL BE SOLD,

AT THE VENDUE STORE,
Corner of Prince and Water streets,
A variety of Dry Goods, Groceries, &c.
Particulars of which will be expressed in
the bills of the day.

ALL kinds of goods which are on limita-
tion and the prices of which are established,
can at any time be viewed and purchased at the
lowest limitation and prices.

P. G. Marsteller, v. m.

FOR SALE,

An ANCHOR, of about 353 wt.
and STAY, ready fitted for a vessel of 150
tons, entirely new and of the best English
construction. Apply to

Mordecai Miller.

March 20.

6 Hhds. best retailing Molasses
49 barrels of nice Tannor's Oil
20 bags of heavy Black Pepper
3 pipes of French Brandy
2 do. Holland Gin, and
1 box of brown Plantains.

A part of the above Goods are a con-
siderable quantity, and will be sold unusually low by

M. MILLER.

March 10.

MARSTELLER AND YOUNG,

HAVE JUST RECEIVED,

A quantity of BEEF—Boston inspection—
No. 1 and 2—which will be sold on mode-
rate terms. Feb. 3.—d

Marsteller and Young,

Have just received, and will sell low if taken
from on board,

8000 bushels Turks Island Salt.

ALSO,

17 Tierces Barbadoes Molasses.

January 16.

Spanish Hides.

1500 large heavy Spanish Hides
6000 wt. fine green Coffee—and
600 wt Indigo, Spanish Flotant
For sale by

M. MILLER.

February 20.

Just Received,

AND FOR SALE BY THE SUBSCRIBERS,
2 pipes L. P. Madeira WINE
2 half do. do. do.
6 pipes Cognac BRANDY, 4th proof.

Wadsworth & Butler,

WHO HAVE ON HAND,

20 hhd. Jamaica RUM, 4th proof
10 do. St. Croix do. 2d & 3d do.
8 do. New-England do.
5 pipes Holland GIN
2 do. country do.
1 hhd. L. market Madeira Wine of a supe-
rior quality
4 quarter casks do. do. do.
3 do. do. L. P. Tenerife do. do.
6000 bushels Lisbon SALT.

January 1

13 hhd. SUGAR of good quality,

53 bbls. do. do.

5 pipes 4th proof Brandy

4 q. casks Sherry Wine of excellent

11 do. do. Malaga do. quality.

Boxes of Cotton Cards

Sacks of Licorice Root and Sago

Barrels of Clover and Herds Grass Seed

And a large quantity of Red Sole Leather.

For Sale by

Benjamin Shreve, Jun.

SEINE TWINE.

2000 pounds excellent Seine Twine.

ALSO,

10 quarter casks Port Wine

10 boxes Spermaceti Candles

12 kegs fresh Raisins—

For sale by

James Sanderson.

January 19.

For Sale or Rent,

A WELL finished three story BRICK
DWELLING HOUSE, containing 7
rooms, with wash house, kitchen, smoke
house, catch house and stable and other ne-
cessary buildings all of brick, situate on Roy-
al street, a few doors from Gadsby's, and
at the market. For particulars apply to

Robert Patton.

February 9.

Coarse Salt, Fruits, &c.

ON SATURDAY,

The 28th instant, at 10 o'clock, A. M. will be
offered for sale, from on board the brig Ma-
ria, Capt. Carew, lying at Hooe's wharf,

Her CARGO inward,

Consisting of

SALT, suitable for the fisheries
WINE in quarter casks
LEMONS in boxes
FIGS in frails
ALMONDS in bags—and a quantity of
BOTTLE CORKS.

The terms will be made known on the day
of sale.

Robert T. Hooe & Co.

March 25.

WANTED,

A MILLER who is master of
his business, to take care of a merchant mill—
To such a one good wages will be given—
For the person who wants, please apply to
Mr. Joseph Smith, Alexandria.

March 17.

NOTICE.

ALL persons who shall be in arrears for
Taxes, due the corporation of Alexan-
dria, after the first day of April next, need
look for no longer indulgence, but may be as-
sured that I shall proceed to distress every de-
linquent. By order of council.

Abel Janney, Collector.

March 9

For Sale,

(Now landing from ship Mary Ann.)
20 Quarter casks Sherry Wine.
And in Store,
6000 bushels salt suitable for the fisheries
8000 lbs. Coffee.

Wadsworth & Butler.

March 5.

FOR RENT,

The STORE, on Prince-street, between
Fairfax and Prince-street, lately in the ocu-
pation of Mr. Ramsay. It is well calculated
for a dry or wet goods store. The rent mo-
derate. Apply to

William Hodgson.

Sept. 25.

JOHN G. LADD

Has just received and offers for sale,
67 chests fresh Teas,
Consisting of Imperial, Hyson Shulan, Young
Hyson and Hyson Skin of the best quality.
2 bales very fine India COTTONS.
Also, a quantity of SALT, suitable for the
fishery.
Fresh Stone LIME, and
RED CLOVER SEED.

March 9

For Sale,

A GROUND RENT of Seventy-two Dol-
lars per annum, on Prince-street.

WANTED,

A few Shares of the Bank of Alexandria and
Potomac.

Wm. Groverman, Broker.

March 17.

A TANNERY.

FOR SALE OR RENT,
A TANNERY, with convenient improve-
ments thereon, in the town of Center-
ville. Apply to Mr. Daniel Harrington at the
premises, or to the subscriber in Alexandria.

JOHN G. LADD.

February 25

Suwarrow Boots.

JOHN G. FRANCIS,

From New-York,

RESPECTFULLY informs the public
that he manufactures Suwarrow Boots
with all the modern improvements, warrant-
equal to any in the United States. After many
years of experience in his business, he has
discovered a new method of retaining the elas-
ticity in boots. He warrants to fit the leg
it ever so badly shaped. He makes boots of
various descriptions, viz. Suwarrows—Fair-
Tops, Three Quarters, Corsican Spring Toes,
Duck Bills, Round Toes, Bonaparte's Graves,
Jefferson's Boots and Shoes. He warrants to
fit the Suwarrow equal to the tuck boots—
Gentlemen will please to call and see for
themselves, at his shop in King-street, be-
tween Mr. Mott's and Mr. Hodgkin's tavern.
January 5.

N. B. He intends selling cheap for cash.

Wanted to Charter,

A VESSEL

Of about 2000 barrels
burthen, to load for a
port in ENGLAND, to
which immediate dispatch
will be given. Apply to

JAMES PATTON.

February 27.

James Smith,

Would accommodate a few genteel Board-
ers on moderate terms.

March 24.

A person who has long
been in the practice of Mercantile Business,
and a long resident of town, would engage
and wishes for employment in some mercan-
tile house. For information

Apply to the Printer.

March 24.

Wanted to Charter,

A vessel of about 800 barrels burthen, to
load for a British Windward Island in the
West-Indies.

William Hodgson.

March 16.

JUST RECEIVED

AND FOR SALE,

150 Sacks Liverpool flaved Salt, &
2600 Bushels do.

On very moderate terms.

Wm. Hodgson.

Jan. 3.

PUBLIC SALE.

ON THURSDAY, the second day of April,
at twelve o'clock, will be sold on the pre-
mises, on a credit of six, twelve and eight-
een months, for approved indorsed negoti-
able notes,

The House and Lot

Lately occupied as a Bank House.
A deed of trust will be taken to secure the
payment.

P. G. Marsteller.

March 19.

PUBLIC SALE.

BY VIRTUE of a deed of trust
from WILLIAM WILSON to the subscri-
ber, to secure the payment of certain sums of
money to the Bank of Alexandria, will be ex-
posed to sale, at public auction, on their re-
spective premises, on the 7th day of May
next, sundry parcels of Land, lying upon U-
nion, Water, Fairfax and Queen-streets, and
a twenty foot alley, on a credit of six, twelve,
and eighteen months, the purchaser giving
his notes with an approved indorser, for the
payment of the purchase money in three equal
payments, and further to secure the purchase
money, a deed of trust upon the land purcha-
sed.

James Keith, Trustee.

February 28.

Patent Elastic Suspenders,
To be had, wholesale and retail, of the Pa-
tentee, next door below Mr. Alexander
McKenzie's, lower end of Prince-street, A-
lexandria.

THEY surpass any yet extant, for
ease, elegance, &c. Masters of vessels and
other gentlemen going to the West-Indies,
Spanish Main, &c. may be furnished with an
assortment, and a great allowance to those
who purchase by the quantity.

N. B. The buttons on the back parts of the
suspenders ought to be placed the same distance
from each other, as the two center buttons on
the Suspenders, to prevent improper strain-
ing, and thereby destroying the ease designed
in the construction of the article.

Richard Horwell.

ALSO,

Red, Green, & Black Morocco
Leather,

By the dozen or single skin—for sale at
Horwell's Patent Suspender Manufactory, in
Prince-street.

Printing, in its various branches,
handsomely executed at this office.

Ice Cream.

AS application has several times been
made to the subscriber for Ice Cream, this is
to inform the public that he will in future have
it every SATURDAY, when such as want may
be supplied.

Also—Cakes, Fruit Jelly for sale.

Matthew Eakin.

March 21.

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CLOVER SEED.

Fifty bushels Fresh CLOVER SEED,
for sale by

William Stewart, jun.

March 25.

Landing.

From the brig MARY and sloop JANE,
FOR SALE BY

Lawrafon & Fowle,

50 tons PLAISTER PARIS

50 barrels } N. E. RUM.

5 hogshead } N. E. RUM.

4 pipes Holland Gin

50 boxes mould candles

200 boxes smoked Herrings

600 feet oars.

IN STORE,

30 chests imperial and young hyson teas

of a superior quality

10 bales Beerboon gurrals

120 casks fresh raisins

80 barrels N. E. Rum

30 hogsheads } Retailing Sugars

70 barrels }

100 boxes soap

75 do. chocolate

2 cases cotton candy.

March 25.

Joseph Mandeville,

Corner of King and FAIRFAX-STREETS,

ALEXANDRIA:

HAS FOR SALE,

An assortment of WINES, LI-

QUORS, GROCERIES, &c.

Consisting of

MADEIRA

Port

Sherry

Lisbon

Malaga

Teneriffe &

Corsica

WINES.

Old St. Estephe Madoc claret, in cases of

one dozen

A few dozen fine old frontinac

Ditto do. best wine bitters

Jamaica and West-India rum

New-England do.

Cogniac, Bourdeaux and Naples brandy

Holland and country gin

Schiedam gin in cases

Irish whiskey, very old

70 barrels Pennsylvania rye whiskey

Cider in barrels

White wine and Cider vinegar

Florence oil in flasks

2 hogsheads Havana honey

15 do. choice retailing molasses

Gunpowder

Imperial

Hyson

Young Hyson

Hyson-Skin and

Souchong

Muscovado sugars, different qualities

Bengal white do.

Loaf and lump sugars, Philadelphia, Bal-

timore and Alexandria.

Leiper's, Garrett's, and Hamilton's snuff,

in bottles and bladders.

Macuba and rapesee do.

Clover-seed, (Penn. warranted)

Mace; nutmegs; cloves; cassia; pimen-

to; pepper; ginger, race and ground; Cay-

enne pepper; refined salt-petre.

Coffee; chocolate; rice; pearl barley;

London and Philadelphia mustard; basket

salt; starch; fig blue; floatant indigo; Geo-

gia and Tennessee cotton; flax; wool; mad-

der; copperas; alum; briarstone; chalk;

pipes in boxes; wrapping paper and twine;

traces; bed cords; leading lines; demijohns;

gin cases; patent shot; brandy wine gunpow-

der; Harvey's gunpowder, [the only real Bri-

tish battle powder] from F to treble seckled

shewing tobacco; best Havana segars.

Muscadel and bloom raisins in boxes.

Sun raisins in casks.

Zante currants; prunes; soft shelled al-

monds.

A few boxes excellent pickles, each one

dozen bottles assorted; capers, olives and

anchovies, for sale by the box.

A quantity of clean good alum salt suitable

for the fishery, &c. &c.

March 19.

CONGRESS.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, FEBRUARY 13.

Debate on the resolution offered by Mr. Broom, to make further provision by law to secure the privilege of the writ of Habeas Corpus to persons in custody under or by colour of the authority of the U. States.

[CONTINUED.]

Mr. J. Randolph said it was far from his intention to have troubled the house again, but some sentiments escaped him before which he had intended to express and some doctrines had been since advanced which merited notice.

Where are we? said Mr. R. Are we in the congress of the United States? Is this the house of representatives of the union? Are we to hear on this floor that a flagrant violation of the constitution is to be remedied by damages given as in the case of an assault? Is it possible that we have no more respect for the liberty of the citizen and for the sacred charter of the constitution? Whether treason comes marshalled under the banners of Aaron Burr, or under color of law, it is treason still, it is to me the same thing.

Will the house say that a violation of the constitution by the commander in chief at the head of an army is to be regarded like the case of common assaults and left to the same remedy? If these men are conspirators, if they are traitors, deal with them by law, give them law, sheer law, but nothing less or more. The argument urged in excuse for Wilkinson's conduct would as amply defend him in putting men to death. Is it come to this that any course against a criminal not warranted by law is avowed and justified? If you may imprison him contrary to law, you may make way with him, and then summon a *verire* to try the dead man and ascertain whether he is guilty. It is an old remark that dead men tell no tales.

Suppose Aaron Burr is a conspirator, a traitor, let him be hanged, but let it be done by law. Suppose treason has existed for years; suppose a man has participated in the plot, and gone all length with the traitors; suppose at last he has *outherded Herod*, cut off his co-conspirators and stabs his leader under pretence of zeal for the union and for the constitution. Shall we suffer this man to make away with the evidences of his own guilt?

If a man may be seized in a territory by military force and transported to any part of the union, recollect that you are in a territory, that you may be seized as you leave this house by the remnant of the military force here and sent to New Orleans for trial. Let me state a case. Suppose a member of this house is arrested by military force, confined in the marine barracks—your sergeant at arms sent by your authority to reclaim him, denied admittance, and told that the officer ordering the arrest takes the responsibility on himself; suppose further that the member is tied neck and heels, put on board a vessel, sent to New Orleans, and on his passage knocked overboard by the boom. The dead man is then himself to bring an action on the case, for it does not descend to his executors, for damages. Will this house sit quietly and hear that such is the criminal law of the land, without moving a single step towards accomplishing a reform?

We are told of plots from the year 1784 down to the present time, aiming at a severance of the union, and that those unexampled measures are necessary to defeat the conspiracy. How are men in every age made slaves to despotic power? Take a plot and then take *quantum sufficit* of military force, and you have it at once. No change has been wrought in the French government during the French revolution without a plot. By a plot the legislature were at last turned out of doors at the point of the bayonet, and an usurper planted on the throne. Why may not that time and chance which happened to all men, also be our lot?

A great deal has been said as to the quarter from which this resolution comes, and an attempt has been made to discipline the house under the banners of party. The mover of the resolution, who is no acquaintance of mine, and with whom I can claim neither personal nor political friendship, is twitted with what happened several years ago, and with the conduct of others. But let me observe that your political opponents have the same right to take up your principles, that you have to take up theirs. If while in opposition you hold one course, and when in power you

pursue another, the people will soon see that your principles and professions are merely an affair of *Ins and Outs*. A few such instances will open the eyes of the people and the scales which obscure their vision will fall. You quote the most abominable and detestable examples which ever occurred to justify yourselves. No this is worse than any example which can be found in the whole catalogue of aggressions on the rights of the people. The people will listen to those who stand forward in defence of their rights, and therefore I wish not to see your enemies foremost in the cause. It is a disgrace to the old republican party if it yet exists, that they have suffered themselves to be outstripped by their opponents in defending the cause of liberty and the rights of the citizen.

In 1798 the republican party were a small minority, now they are a great majority. How has this increase happened? The same generation exists. It must have resulted from accession to our number from the federal party. And those who swim with the tide and have no principles but to follow the prevailing majority, are now pursuing the same course which they then pursued; under the name of republicans they now manifest the same character which they then exhibited under the name of federalists. There is no dependence on such men.

We are told by certain gentlemen that they do not set themselves up as exclusive champions of the law and the constitution. I am glad of it, for God help the constitution, and God help the laws from such defenders.

It is our duty to provide for this caucus omission in our laws. These men who have been arrested and transported, might with the same justice and with as much color of law have been put to death; for liberty is a natural right as well as life. If any man should take one of the poor miserable creatures who inhabit this hearth of the ten miles square and send him to New Orleans by military force, I would cheerfully hang the offenders, not before, but after conviction.

I am afraid that too much reliance for the security of our liberties has been placed on the press, though I am a friend to the press free as air. The sincerity of my principles will not be questioned, for I have gone through sedition times, and did not come into the house with a *gaule* of executive favor blowing at my back. But legislatures have been driven out of their seats in other countries at the point of the bayonet, and with the press at one end of the scale and the bayonet at the other, there is no difficulty in telling which even here would preponderate, and which kick the beam.

Mr. Williams, (N. C.) cared not whence a good measure came, and was glad that the gentleman from Virginia, (Mr. Randolph) had so ably enforced the necessity of an amendment in the laws. Mr. W. replied at some length to the objections of Mr. G. W. Campbell.

Mr. G. W. Campbell said he had been misunderstood or egregiously and wilfully misrepresented, (referring to Mr. Randolph) He had never undertaken to vindicate his vote by the precedents of the alien and the sedition times. He believed himself as sincere a friend to liberty as any member whatever, and he hoped the constitution would never depend on a man of an effervescent imagination, using wild declamation without argument and without system, whose conduct is at one time different from that of another, and whose speeches of one day may be read as an answer to those delivered on another.

Mr. Masters, (N. Y.) opposed the resolution. He could not conceive how a refusal to obey a writ could be considered a violation of the constitution. Why, said he, this extraordinary zeal for these people's rights who want to destroy your own rights?—Have no other people any rights?

Several gentlemen were rising to speak when an adjournment was called for and carried.

Quarter before 5, adjourned.

Thursday, Feb. 19.

The house proceeded to consider the motion of Mr. Broom. Ayes 60, Noes 37.

Mr. Burwell (Vir.) said he should vote for the motion but he hoped that the house would agree to amend the resolution before the question was put. He thought there existed a necessity of defining the power of the supreme court of the United States in issuing the writ of habeas corpus. A division of opinion on this subject had lately taken place in the court.

Mr. B. believed that they had no power to issue the writ, that they had no original jurisdiction in regard to the subject, except in a few cases specifically designated in the constitution. If the doctrine is admitted that they have the power contended for, the consequence is that a man confined in any part of the United States may be brought up to the seat of government and released by the court. The exercise of the power will be attended with immense inconvenience, for witnesses may be ordered in any numbers from all parts of the union, merely to give testimony in the case of a habeas corpus. Mr. B. supported his argument at considerable length, and concluded with offering an amendment, which was agreed to—Ayes 76.

The resolution as amended is as follows: The amendment being in italics.

Resolved, That a committee be appointed to enquire into the expediency of making further provision by law more effectually to secure the privilege of the writ of habeas corpus to persons in custody under or by color of the authority of the U. States, and the necessity of defining the power of the supreme court of the United States in issuing the writ of habeas corpus, with leave to report by bill or otherwise.

Mr. Jackson was opposed to the resolution as it stood originally and he thought the amendment rendered it even more exceptionable. The writ of habeas corpus was in his opinion amply secured. It was in vain to say that an action for damages did not afford an adequate remedy. Gentlemen had contented themselves with declamation and denunciation without condescending to investigate the merits of the subject.

Five gentlemen rose now at nearly the same time and all appeared extremely solicitous to deliver their sentiments on the subject. The speaker thought Mr. Bidwell was up first and entitled to the floor.

Mr. Bidwell spoke at length against the motion. He observed that it had two objects in view and both predicated on recent occurrences. Both members of the resolution met with his disapprobation. The present time was improper. The arguments of the gentleman from Delaware were calculated to excite unpleasant sensibilities in the house and to alarm the nation. There were on the table a great number of reports and bills which awaited the decision of the house, and if the resolution was pursued as heretofore all this important business must be transferred to the next session.

Mr. B. denied the laws relative to the habeas corpus imperfect, but he thought the provision suggested by the gentleman from Delaware unnecessary, and if necessary, he should oppose their adoption, at this particular crisis.

The arguments in favor of the resolution, are founded on what is called a violation of the constitution, that is a violation of the constitutional right, which is in some sense a breach of the constitution. The resolution, if agreed to, ought to go in the first place to a committee of the whole, for the decision of principles, and then referred to a select committee, for the arrangement of details.

It has been said with great zeal, that the constitution has been violated, and if we sit still, and allow those violations to go on, the constitution will be eventually sacrificed.

This is a two edged sword, and cuts both ways. If unnecessary alarms are excited, the feelings of the people will be blunted, and they will at last be insensible to real and dangerous violations of the constitution.

To interest our feelings a case has been put, of a member of this house being arrested by force, and sent to New Orleans. But even in that case there could be no need of legislation. An action for damages and an indictment would afford the means of redress and punishment. Mr. B. would not disparage the trial by jury so much as to say that it is not competent to give relief. A jury are not more liable to prejudice and partiality than a legislature. While a question is pending in the court, it is improper for us to take up the subject, for it will produce an impression on the public mind, which will find its way to the jury.

It has been repeatedly said, that Wilkinson has violated the constitution; it has been repeatedly said that he had violated the writ of habeas corpus. Mr. B. understood the fact to be otherwise; that Wilkinson had never refused obedience to a writ of habeas corpus. He had only arrested men illegally, and taken the responsibility upon himself. Mr. B. at considerable length explained the distinction, and insisted on its correctness and importance.

He contended that at New Orleans there had been no refusal to grant or obey a writ of habeas corpus, the conduct of Wilkinson was quite another thing.

Mr. Quincy (Mass.) So long as an intention appeared to make this a party question, I had no inclination to intermeddle with it. The subject seems to me to be of too high a nature, and too deeply to be connected with the rights and liberties of us all, to be examined under those narrow and temporary views, which party spirit necessarily introduces. Since the discussion has assumed a milder aspect, I shall offer a few considerations; limiting myself to a very simple and brief elucidation of the subject, in a point of view which no other gentleman has taken it, as yet on this floor.

I cannot agree with those gentlemen who maintain that, in the arrest and transportation of Bollman and Swarwood they can see no violation of the rights of individuals. The privileges of the constitution are as much the inheritance of the humblest and most depraved, as of the most elevated or virtuous citizen. To be seized by a military force, to be concealed and hurried beyond the protection of the civil power, and to be sent a thousand miles for trial, in a place where the crime charged was not committed, are violations of individual rights and of the constitution. I am not, however, prepared to say, that in no possible case they can be pardoned, nor, with the gentleman from Virginia (Randolph) that in no case I would consent to indemnify a military commander for making such an arrest. A case might exist, when it might be the duty of a legislature thus to indemnify. I agree, however, that it must be an extreme case, and that the party to be indemnified must evidence that he had himself no voluntary agency in producing that state of things which made such an unconstitutional exercise of power necessary to the safety of the state. I give no opinion concerning the conduct of general Wilkinson. The events which happened at New Orleans have no other relation to the subject before the house than this: They have turned the attention of reflecting men in this nation to the nature of the security they possessed against similar violence, and in common with other reflecting men, it has become our duty not only to understand the nature of that security, but also to supply, as soon as possible, any deficiencies we may discover in it.

The only question is, have this people the privilege of the writ of habeas corpus secured to them as fully and effectually as the constitution intended, and as wise and prudent men ought to desire? I answer unequivocally, they have not. So far as relates to cases under the exclusive jurisdiction of the U. S. we have virtually no writ of habeas corpus—and for this plain reason, that we have none of the sanctions of the writ; we have none of those penalties, without which the writ of habeas corpus is a dead letter; particularly in all cases, in which the state of party passions, or of any predominant power leads to the oppression of an individual.

The writ of habeas corpus and the penalties by which it is enforced, and in which the great benefit of the privilege consists, are distinct things in their nature. The former was known to the English common law, and although, at all periods of English history, it was held a very precious right, yet were its provisions found wholly inefficacious against arbitrary power, until after the statute of Charles II. called by Englishmen their second Magna Charta. This statute gave penalties unknown to the common law. If a judge refuses to grant, or an officer refuses to execute the writ, he is liable to a penalty of 5000 sterling, and similar sanctions are annexed to other neglects of the precept. The house will observe, that all these penalties are securities, given to personal liberty, additional to those which exist in common law, and are not substituted for them. These penalties are annexed to disobedience to the writ, not as an indemnification for the injury. All the other remedies against the judge, or the party imprisoning remain unimpaired.

The question recurs, does the federal constitution, by securing to us "the privilege of the writ of habeas corpus" assure to us those sanctions of the writ, which constitute, in England, its characteristic security? If the constitution had re-enacted the statute of Charles there could be no doubt. But will gentlemen seriously assert, that a penal statute of another country, can, by construction, be declared the law of this, so as to make our citizens obnoxious to its penalties? If that statute be our national law, how was it obtained? Re-enacting statute we have none. And "the United States, as a federal govern-

ment, have no common law; or respect the highest law as I refer to the opinion of the U. S. as 394.

This view of the subject is sufficient to satisfy any man for this great question; and is a sufficient answer to the nature of the provision in the constitution. But gentlemen, what penalties?

There are no penalties against the person, in there no answer. Both personal liberty and do still exist in do here, yet was these were reason celebrated statute urged as evidence, needless, or useful statute are guaranteed the citizen, additional from the law. The principle of this with nothing, in the p, in the s, this end all its pr leave a citizen to peccation of the r of legislative inq pose of ultimately a heavy compens peachment is alwa tion for false im adequate security writ of habeas co the privilege of th unless in times o In such times, w against a judge, w in coincidence w vailing party? A sonal liberty to b And if it were, person guilty of t competent to pay In the case of ad can it ever be exp pecuniary deficien damages will be r civil arm be comp cution?

The penalties Charles, on the co dition of the cou independent of all may happen to p secure personal li suspected over s situation in societ makes the attainm tain; should it whole, those who seem to me to b either they mus content that the States should poss liberties, than the England enjoy tor duced to the ne doctrine that the ther country may the law of this can conceive not absurd.

In this discuss to avoid all notice al invectives which question is too im with feelings and p tions. And the c and of the nation, from us all a conte ephemeral distinct

[Debate]

from the COMME

SPECULAT

It has been laid in that the spirit followed in a monarc lic. In despotic s magistrate is direc or decrees, much discretion; he is, study the end and and so to interpre efficient or dou with his intention. In republics the ca As nations are mo of their state requ or less voluminous freedom is, that th ed by the laws. T

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ment, whose limits and barriers are, or ought to be, well defined; and are not left to the discretion of any arbitrary or capricious will. The only proper inquiry for the judge, under such governments, is, what is the law. It is the province of the legislature to enact: that of the judiciary to enforce. No legislative function, therefore, should be left to the magistrate. Yet this function is in a measure assumed, whenever he undertakes to decide without parliamentary or prescriptive authority. In one word wherever the law stops short, he should stop.

In England, where the rights of the citizen are better guarded, than in any other nation upon earth, except our own; whence also we derive a great and essential part of that code, in which we have so much cause for exultation, they have had many examples of judges, actuated by sentiments and a spirit, consonant with the perpetuation of genuine freedom. To name them to a person, but slightly acquainted with the history and derivation of our government and laws, would be superfluous. It is sufficient for my purpose to say, that those, who ought to be the chief examples to judges in our country, are such as have been the most averse to changing ground and forming new precedents. The firm and unyielding temper of a Buller is much more auspicious and appropriate for a republican government, than the more speculative and discursive talents of a Mansfield.

From the foregoing remarks may be inferred the ignorance and folly of those who would cut up by the roots the common law; and throw us unarm'd into the hands of our magistrates, with only a few naked statutes to direct them. The advocates of such measure must either be grossly ignorant of the spirit of our government; or else corruptly leagued for its subversion. It is the nature of democracy to be fluctuating; it is the same with the measures of its popular men. They say one thing to-day, because they think it will gain them power and applause: for the same cause they unsay it to-morrow. Thus since the unhappy commencement of our democratic frenzy, the outcry against common law has taken almost all possible terms. The prevailing effort, however, has been to overthrow it. Yet it is the only peculiar & appropriate basis of republicanism, aside from the indefinite and rare principle of public virtue. It is well settled, voluminous, comprehensive and perspicuous; con- taining almost every possible case.

One of the chief objections to it has been the *Virginia annorum lucubrations*, requisite for its acquisition. But this, in the light of republican policy, is amongst its greatest excellencies. It is an ample basis for its stability. The due understanding of this code requires one grown gray with experience, and pale with study. Such only should be appointed to judicial offices. Collating the instruction of past ages with facts within our observation, we shall perceive, that theory is the very antipode of our practice; and that, unless all former received wisdom was hollow and baseless, we are now carried away with a rapid current of absurdity. Young partizans are gaining the right of prescription for controuling our laws. It is true, they are the most active and efficient in some employ- ment; but should never appear at the head of council; nor in the elevated seats of magistracy. They feel all the incitements of power and popularity; there is a facility in their dispositions; they are easily man- aged by their friends; and they bend with equal ease to every measure calculated to promote or perpetuate their honors & their influence. The aged, on the contrary, unless perverted by corrupt practices in youth, are little influenced by an ill-direct- ed ambition; feeling the warning of time; they are principally solicitous to leave their country and their offspring happy. One of the most interesting and instructive char- acters ever drawn is that of Old Nestor, as handed down to us by the father of po- etry. The veneration for age was remark- able through all the prosperous periods of the Grecian states. It is that particular, which places the Lacedæmonian character in its far most amiable light. Indeed, without this, no country can possess that degree of public virtue necessary to per- petuate a republican government. Either in the council or on the bench, therefore, it is far best for us to place men, whose heads are white with the honors of labor and age; whose wisdom has ripened with years; and whose vicinity with the grave has extinguished every flame except that of patriotism and virtue.

Before we leave this subject, there is one evil to be named, for whose remedy we must look to our legislatures; it is that licence of salary allowed our judges, which leaves them to the necessity of chamber fees and proqui-

sites of office. These I have always consid- ered incompatible at once with the nature of our government, and the dignity of their sta- tions. It is remarkable, that in Turkey, the most detestable of modern despotisms, the cadi, or magistrate, gains his emolument from perquisites. The abominable practices hence arising, need not here be mentioned. There is a coincidence between this and the usage with us; although I admit the cases are not perfectly parallel. The tendency, however, must always be the same.

*Mule verum examinat omnia
Corruptis iudex.*

We have all known men in such office whose capacity for fees have rendered them ridiculously proverbial. The eagerness with which some of them grasp at the shillings and pence, completely immerges all thoughts of the public good, as well as every thing like serious deliberation on the case of the individual, whose interest is at stake. A repetition of appointing characters of this description has long since called for legislative inter- ference.

There is another public evil, which, altho' remotely connected with the subject here treated of, I think proper incidentally to men- tion: It is the refusal of juries to convict criminals, however clearly their guilt may be established, unless the law for their punish- ment conforms to the doctrines, inculcated by our busy demagogues. This had its origin, like most other of the political monsters of the present age, in the new philosophy. Hence, when sworn to pronounce according to evidence, the jury first erect themselves into a legislature, and fix upon such principles as meet the views of some favorite inpo- vator; and then they are prepared to regu- late the punishment. The evil has been deep rooted and extensive, yet we may hope to see it eradicated by the only power capable of do- ing it, the correction of principles.

Alexandria Daily Advertiser.

FRIDAY, MARCH 27.

COMMUNICATION.

BRITISH TREATY.

IT is a maxim in law, generally correct, that a person is always to be deemed innocent until he is proved guilty. But where a long series of motives in the conduct of any individual, have been considered corrupt; the *onus probandi* ought to lie on the shoulders of the person accused; and it becomes his duty to prove his innocence.

From reasoning like this it is maintained that the friends of the President ought to satisfy the public mind, of the purity of the motives that have occasioned his late extraordi- nary and unprecedented conduct relative to the British treaty.

In the whole history of Mr. Jefferson's life, show me one instance of bold independence in a case of high responsibility, like that of his returning this treaty without laying it be- fore the senate. It cannot be done. The en- quiry then is, what motives actuated him.— We cannot prove what the motives were; but I have the fullest conviction, that a desire to injure the reputation of Monroe, (more particularly than Pinckney) and a dread of the French government, or Turreau's whiskers, were the causes of this novel and seemingly independent conduct of the executive.

Indeed I am so apt to look for impure rather than pure intentions, that I cannot but entertain a doubt whether or not the appoint- ment of Mr. Pinckney, a federalist, in the joint embassy, was not intended to operate injuriously on the character of Monroe. If a treaty should be concluded, to which the ex- ecutive might, either justly or unjustly ob- ject, how easy to fabricate a tale, that Mon- roe, after the ineffectual endeavor of years, could not obtain a treaty satisfactory to him- self, till he was weak enough to be warped by Pinckney, or base enough to tickle his palm with English guineas.

Mr. Madison is resolved to be the next President; Mr. Monroe is also a candidate, and, in the fears at least of Mr. Madison, a powerful rival. Hand and glove are not more intimate than Jefferson and Madison; and Mr. Jefferson is determined that Madison shall succeed him. For this purpose the character of Monroe must be marred if not mur- dered; and a more certain way to do this scarcely exists, than *spargere voces inter po- pulos*, that Mr. Monroe has turned federalist, that the federalists are all adherents to the British; and that the strong proof of Mun- roe's federalism is, his approving of a treaty so vile that the executive could not bear even to lay it before the senate.

Another cause of the returning of the treaty is, as I firmly believe; it meets the disapprobation of the French government; a disapprobation not expressed, except perhaps by Turreau, but which is believed to exist; and which has as much effect perhaps on the president, as if Napoleon had "lifted up his voice," as in his order to the American go- vernment to stop all intercourse with St. Do- mingo; an order instantly obeyed; or as in his order to settle a pretended claim of the heirs of Beaumarchais.

Shall we never know on what ground the treaty is considered reprehensible? Shall we

know only from such *presences* as the execu- tive may give? It is to be hoped that the public may see this treaty; either from the hands of Mr. Erskine or otherways.

The impressment of American seamen is given as one complaint for which no provision is made. What is to be expected? The Brit- ish have long contended for and will never yield their right to impress their own subjects wherever found. Once a British subject al- ways so, by their laws. We have between 40 and 60,000 British subjects employed in Ame- rican merchant vessels. We have them and have had them in our navy, ready to fight their own countrymen. Of these possibly one fifth have become American citizens, and are to be protected by us in our own jurisdiction. But most of them have false *protections* from col- lectors and magistrates, as American citizens, and many of them as native American citi- zens. These are fairly liable to impressment—but there is so much knavery in granting these protections, that the impressing officers, constantly cheated by spurious protections, some times impress native Americans. These are however generally released when proofs of their nativity appear. If that for which the executive contends, be made a *sine qua non*, we shall never have a treaty with Eng- land.

Some confidential provisions were made respecting the French blockading decree. If they were such as could not be approved, surely the Senate might reject them, without re- flecting the whole treaty.

What will be the consequence of returning this treaty is uncertain; but it is probable as the treaty is disliked in parliament, and ap- pears to be greatly disliked in London, that we shall not get a better, and perhaps not so good. Mr. Pinckney will have the sole man- agement; Mr. Monroe being about to return home to meet the frowns of the president and his minions; and should no treaty be made, Mr. Monroe's popularity will be tarnished, a desirable thing to many, and Mr. Pinckney's sunk in democratic estimation. The blame must not at all events rest on the shoulders of Jefferson and Madison.

A letter from a gentleman in Fredericks- burgh to his friend in this town dated the 26th instant, says: Col. Burr arrived here his day under a strong guard, and I learn will proceed to-morrow morning for the city of Washington.

The attorney general of the U. States passed through Alexandria yesterday morning on his way to Richmond for the purpose of prosecuting Burr, and it is pro- bable met him on the road and changed his destination.

Just Received,
And For Sale by COTTON & STEWART,
Carr's Stranger in Ireland.
(Price One Dollar.)
March 27.

To Rent.
I WILL RENT the two story brick-house with all the back buildings attached there- to, On King and Patrick streets; formerly occupied by Davey Davey as a tavern—For terms apply to
Wm. N. Mills.
March 27.

Just received from Philadelphia.
By Captain Harkil,
29 chests Young Hyslop, and
9 boxes Hyson Shulan Tea, of a superior quality, which will be sold low.
Likewise on Hand,
6 hhds. good Sugar,
10 hhds. Molasses, of a good quality,
Salt of various kinds,
And a constant supply of Flour suitable for family use.
Joseph Dean.
March 27.

Porter, Ale, &c.

I have received for sloop *UNION*, and offer for sale,
40 hhds. nice old Porter and
pale Ale.

Also—a consignment of
PHILADELPHIA BEER,
OF A SUPERIOR QUALITY.
And by the next vessel expect a further supply.

I have on hand—Upwards of one thou- sand dozen pure old PORTER and pale ALE in bottles—600 dozen of which is put up in barrels of three dozen each, and is in fit order to ship for the West-Indies or a southern market.—To a person disposed to ship, a li- beral credit will be given.

WILLIAM DUNLAP,
Water, between King and Prince-streets.
March 27.

FOR SALE,
7000 bushels SALT, suitable
for the Fisheries.

Apply to
Joseph Smith,
Upper end of King-street.
March 7.

[Debate to be continued.]

from the COMMERCIAL ADVERTISER.

SPECULATIONS OF DECIUS.

It has been laid down as a political max- im that the spirit of the law should be fol- lowed in a monarchy; the letter in a repub- lic. In despotic governments, where the magistrate is directed only by short edicts or decrees, much is necessarily left to his discretion; he is, therefore, compelled to study the end and design of the sovereign, and so to interpret any part, which is left efficient or doubtful, as best to comport with his intention, or to subvert his will. In republics the case is materially different. As nations are more or less free, the nature of their state requires codes of laws more or less voluminous. The essence of true freedom is, that the citizens are to be judg- ed by the laws. They are under a govern-

